

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF TEXAS

3 WACO DIVISION

4 UNITED STATES OF AMERICA \* January 10, 2008  
\*  
5 VS. \* CRIMINAL ACTION NOS.  
\*  
6 ROY OWENS \* W-07-CR-142  
YARIEL TICOY FIGUEROA (2) \* W-07-CR-36  
7 **KENNETH ERIC WATSON** \* **W-07-CR-107**  
ASHLEY LYNETTE GOMEZ \* W-07-CR-148  
8 BENJAMIN LEE COPELAND \* W-07-CR-167  
CLARENCE ALBERT DUPREE \* W-07-CR-168  
9 MICHAEL ANTHONY MARTINEZ \* W-07-CR-175

10 BEFORE THE HONORABLE WALTER S. SMITH, JR., JUDGE PRESIDING  
11 REARRAIGNMENT PROCEEDINGS

12 APPEARANCES:

13 For the Government: Shelly Strimple, Esq.  
Stephanie Smith-Burris, Esq.  
Assistant United States Attorneys  
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Waco, Texas 76701

15 For Defendant Owens: Reed W. Prospere, Esq.  
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17 For Defendant Figueroa: Michael Lee Brandes, Esq.  
18 PO Box 1964  
Temple, Texas 76503

19 For Defendant Watson: Phil A. Martinez, Esq.  
20 Norwest Bank Plaza  
1105 Wooded Acres Dr., Suite 630  
21 Waco, Texas 76710

22 For Defendant Gomez: Jack F. Holmes, Esq.  
5100 Midway Drive, Ste. 200B  
23 Temple, Texas 76502

24 For Defendant Copeland: Norman E. Lanford, Esq.  
PO Box 1136  
25 Cameron, Texas 76520

1 For Defendant Dupree: Steven Kendall Striegler, Esq.  
2 PO Box 1683  
Belton, Texas 76513

3 For Defendant Martinez: Ronald H. Moody, Esq.  
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5 Court Reporter: Kristie M. Davis  
6 United States District Court  
PO Box 20994  
7 Waco, Texas 76702-0994

8  
9 Proceedings recorded by mechanical stenography, transcript  
10 produced by computer-aided transcription.  
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1 (January 10, 2008, 1:11, defendants present.)

2 MS. WILLIS: Arraignment and guilty plea in Criminal  
3 Action No. W-07-CR-142 styled United States of America vs. Roy  
4 Owens.

5 MS. BURRIS: Stephanie Smith-Burris for the government,  
6 Your Honor.

7 MS. WILLIS: Rearraignment proceedings in Criminal Action  
8 No. W-07-CR-36 styled United States of America vs. Defendant  
9 No. 2, Yariel Ticoy Figueroa.

10 MS. BURRIS: Stephanie Smith-Burris for the government,  
11 Your Honor.

12 MR. BRANDES: Michael Brandes for Mr. Figueroa, Your  
13 Honor.

14 MS. WILLIS: Criminal Action No. W-07-CR-107 styled United  
15 States of America vs. Kenneth Eric Watson.

16 MS. STRIMPLE: Shelly Strimple for the United States, Your  
17 Honor.

18 MR. MARTINEZ: Phil Martinez for Mr. Watson, Your Honor.

19 MS. WILLIS: Criminal Action No. W-07-CR-148 styled United  
20 States of America vs. Ashley Lynette Gomez.

21 MS. BURRIS: Stephanie Smith-Burris for the government,  
22 Your Honor.

23 MR. HOLMES: Jack Holmes for Mrs. Gomez, Your Honor.

24 MS. WILLIS: Criminal Action No. W-07-CR-167 styled United  
25 States of America vs. Benjamin Lee Copeland.

1 MS. BURRIS: Stephanie Smith-Burris for the government,  
2 Your Honor.

3 MR. LANFORD: Norman Lanford for the defendant, Your  
4 Honor.

5 MS. WILLIS: Criminal Action No. W-07-CR-168 styled United  
6 States of America vs. Clarence Albert Dupree.

7 MS. STRIMPLE: Shelly Strimple for the United States.

8 MR. STRIEGLER: Steven Striegler for Mr. Dupree, Your  
9 Honor.

10 MS. WILLIS: Criminal Action No. W-07-CR-175 styled United  
11 States of America vs. Michael Anthony Martinez.

12 MS. BURRIS: Stephanie Smith-Burris for the government,  
13 Your Honor.

14 MR. MOODY: Ron Moody for the defendant, Your Honor.

15 THE COURT: Cause No. W-07-CR-142 is styled USA vs. Roy  
16 Owens.

17 Is that your proper name, sir?

18 MR. OWENS: Yes, sir.

19 THE COURT: How old are you, Mr. Owens? How old are you?

20 MR. OWENS: 41.

21 THE COURT: And what is your educational background? How  
22 far did you go in school?

23 MR. OWENS: Graduated high school.

24 THE COURT: Thank you.

25 W-07-CR-036, Defendant 2, is styled USA vs. Yariel Ticoy

1     Figueroa?

2             DEFENDANT FIGUEROA:   Yes, sir.

3             THE COURT:   How old are you, sir?

4             DEFENDANT FIGUEROA:   29, sir.

5             THE COURT:   And what is your educational background?

6             DEFENDANT FIGUEROA:   11th grade.

7             THE COURT:   Thank you.

8             W-07-CR-167 is styled USA vs. Benjamin Lee Copeland.

9             Is that your proper name, sir?

10            DEFENDANT COPELAND:   Yes, sir.

11            THE COURT:   How did you get over there, Mr. Copeland?

12            Mr. Watson?

13            DEFENDANT WATSON:   Yes, sir.

14            THE COURT:   W-07-CR-107, Defendant 1, is styled USA  
15     vs. Kenneth Eric Watson.

16            Is that your proper name?

17            DEFENDANT WATSON:   Yes, sir.

18            THE COURT:   How old are you, sir?

19            DEFENDANT WATSON:   How old am I?

20            THE COURT:   Uh-huh.

21            DEFENDANT WATSON:   34.

22            THE COURT:   Thank you.

23            W-07-CR-148, Defendant 1, is styled USA vs. Ashley Lynette  
24     Gomez.

25            Is that your proper name, ma'am?

1 DEFENDANT GOMEZ: Yes, sir.

2 THE COURT: How old are you, Ms. Gomez?

3 DEFENDANT GOMEZ: 23, sir.

4 THE COURT: And your educational background?

5 DEFENDANT GOMEZ: High school graduate.

6 THE COURT: Thank you.

7 W-07-CR-167 is styled USA vs. Benjamin Lee Copeland.

8 That is your name?

9 DEFENDANT COPELAND: Yes, sir.

10 THE COURT: How old are you, Mr. Copeland?

11 DEFENDANT COPELAND: 27.

12 THE COURT: And your educational background?

13 DEFENDANT COPELAND: GED.

14 THE COURT: Thank you.

15 W-07-CR-168 is styled USA vs. Clarence Albert Dupree.

16 Is it "Dupree" or "Dupree"?

17 DEFENDANT DUPREE: "Dupree."

18 THE COURT: How old are you, sir?

19 DEFENDANT DUPREE: 53.

20 THE COURT: And your educational background?

21 DEFENDANT DUPREE: One semester college.

22 THE COURT: Thank you.

23 W-07-CR-175 is styled USA vs. Michael Anthony Martinez.

24 Is that your proper name, sir?

25 DEFENDANT MARTINEZ: Yes, sir.

1 THE COURT: How old are you, Mr. Martinez?

2 DEFENDANT MARTINEZ: 29.

3 THE COURT: Do each of you understand that if you enter a  
4 guilty plea, I'm going to ask you some questions about the  
5 offense or offenses to which you're pleading guilty and that if  
6 you answer those questions under oath in open court and in the  
7 presence of your attorney, your answers could be used against  
8 you in a prosecution for perjury or false statement if your  
9 answers are not true?

10 Do you understand that, Mr. Owens?

11 MR. OWENS: Yes, sir.

12 THE COURT: Do you, Mr. Figueroa?

13 DEFENDANT FIGUEROA: Yes, sir.

14 THE COURT: Mr. Watson, do you?

15 DEFENDANT WATSON: Yes, sir.

16 THE COURT: Ms. Gomez, do you?

17 DEFENDANT GOMEZ: Yes, sir.

18 THE COURT: Mr. Copeland, do you?

19 DEFENDANT COPELAND: Yes, sir.

20 THE COURT: Mr. Dupree, do you?

21 DEFENDANT DUPREE: Yes, sir.

22 THE COURT: Mr. Martinez, do you?

23 DEFENDANT MARTINEZ: Yes, sir.

24 (Defendants were sworn.)

25 THE COURT: Do any of you attorneys have any concerns at

1 all regarding your client's competence to stand trial and enter  
2 a plea this afternoon? And by being competent, I of course  
3 mean having both a factual and a rational understanding of  
4 these proceedings.

5 Mr. Prospere, do you have any such concerns?

6 MR. PROSPERE: No, sir. My client is competent, Judge.

7 THE COURT: Thank you.

8 Mr. Brandes, do you have any such concerns?

9 MR. BRANDES: No, Your Honor.

10 THE COURT: Mr. Martinez, do you?

11 MR. MARTINEZ: No, Your Honor.

12 THE COURT: Mr. Holmes, do you?

13 MR. HOLMES: I do not, Your Honor.

14 THE COURT: Mr. Lanford, do you?

15 MR. LANFORD: No, sir, Your Honor.

16 THE COURT: Mr. Striegler, do you?

17 MR. STRIEGLER: No concerns, Your Honor.

18 THE COURT: Mr. Martinez -- uh-oh. You're not  
19 Mr. Martinez. You don't even look like Phil's brother.

20 Mr. Moody, do you have any such concerns?

21 MR. MOODY: No, Your Honor. I do not.

22 THE COURT: Do any of you defendants suffer from any  
23 mental or physical impairment which would have any effect on  
24 your ability to fully understand the charges against you or the  
25 basis and consequences of a guilty plea?



1 Mr. Owens, do you?

2 MR. OWENS: No, sir.

3 THE COURT: Mr. Figueroa?

4 DEFENDANT FIGUEROA: No, sir.

5 THE COURT: Mr. Watson?

6 DEFENDANT WATSON: No, sir.

7 THE COURT: Ms. Gomez?

8 DEFENDANT GOMEZ: No, sir.

9 THE COURT: Mr. Copeland?

10 DEFENDANT COPELAND: No, sir.

11 THE COURT: Mr. Dupree?

12 DEFENDANT DUPREE: No, sir.

13 THE COURT: Mr. Martinez?

14 DEFENDANT MARTINEZ: No, sir.

15 THE COURT: Has any one of you ever suffered a physical  
16 injury such as a head or a brain injury that might affect your  
17 memory or your judgment in any way?

18 Mr. Owens?

19 MR. OWENS: No, sir.

20 THE COURT: Mr. Figueroa?

21 DEFENDANT FIGUEROA: No, sir.

22 THE COURT: Mr. Watson?

23 DEFENDANT WATSON: No, sir.

24 THE COURT: Ms. Gomez?

25 DEFENDANT GOMEZ: No, sir.

1 THE COURT: Mr. Copeland?

2 DEFENDANT COPELAND: No, sir.

3 THE COURT: Mr. Dupree?

4 DEFENDANT DUPREE: No, sir.

5 THE COURT: Mr. Martinez?

6 DEFENDANT MARTINEZ: No, sir.

7 THE COURT: Is any one of you under the influence of any  
8 medicine or drugs this afternoon that might have such an effect  
9 on you?

10 Mr. Owens?

11 MR. OWENS: No, sir.

12 THE COURT: Mr. Figueroa?

13 DEFENDANT FIGUEROA: No, sir.

14 THE COURT: Mr. Watson?

15 DEFENDANT WATSON: No, sir.

16 THE COURT: Ms. Gomez?

17 DEFENDANT GOMEZ: No, sir.

18 THE COURT: Mr. Copeland?

19 DEFENDANT COPELAND: No, sir.

20 THE COURT: Mr. Dupree?

21 DEFENDANT DUPREE: No, sir.

22 THE COURT: Mr. Martinez?

23 DEFENDANT MARTINEZ: No, sir.

24 THE COURT: Has each of you received a copy of the  
25 document the government has filed which names you and states

1 the charges against you? That could either be an indictment or  
2 a superseding information or perhaps just an information. In  
3 any event, whichever type of document it is, have you received  
4 a copy of it, have you read it or had it read to you, discussed  
5 it with your attorney and do you understand what you're charged  
6 with?

7 Mr. Owens?

8 MR. OWENS: Yes, sir.

9 THE COURT: Mr. Figueroa?

10 DEFENDANT FIGUEROA: Yes, sir.

11 THE COURT: Mr. Watson?

12 DEFENDANT WATSON: Yes, sir.

13 THE COURT: Ms. Gomez?

14 DEFENDANT GOMEZ: Yes, sir.

15 THE COURT: Mr. Copeland?

16 DEFENDANT COPELAND: Yes, sir.

17 THE COURT: Mr. Dupree?

18 DEFENDANT DUPREE: Yes, sir.

19 THE COURT: Mr. Martinez?

20 DEFENDANT MARTINEZ: Yes, sir.

21 THE COURT: Has each of you discussed with your attorney  
22 not only what you're charged with but also any defenses that  
23 you might be able to raise if you elected to go to trial?

24 Have you done that, Mr. Owens?

25 MR. OWENS: Yes, sir.

1 THE COURT: Have you, Mr. Figueroa?

2 DEFENDANT FIGUEROA: Yes, sir.

3 THE COURT: Mr. Watson?

4 DEFENDANT WATSON: Yes, sir.

5 THE COURT: Ms. Gomez?

6 DEFENDANT GOMEZ: Yes, sir.

7 THE COURT: Mr. Copeland?

8 DEFENDANT COPELAND: Yes, sir.

9 THE COURT: Mr. Dupree?

10 DEFENDANT DUPREE: Yes, sir.

11 THE COURT: Mr. Martinez?

12 DEFENDANT MARTINEZ: Yes, sir.

13 THE COURT: Mr. Owens, you are charged in a one-count  
14 information with the offense of misprision of a felony, a  
15 violation of Title 18 United States Code Section 4. The  
16 maximum punishment that can be assessed to a person convicted  
17 of that offense is three years of incarceration followed by one  
18 year of supervised release, a fine of up to a quarter of a  
19 million dollars and a \$100 special assessment under the Victims  
20 of Crime Act. Do you understand those possible maximum  
21 punishments?

22 MR. OWENS: Yes, sir.

23 THE COURT: Has there been a plea agreement in this case?

24 MS. BURRIS: There has been, Your Honor. This defendant  
25 has agreed to enter a plea of guilty to the information on file

1 against him. The United States Attorney agrees to refrain from  
2 prosecuting this defendant for any other Title 18 or Title 21  
3 United States Code violations of which the United States is now  
4 aware. The United States agrees to inform the Court of the  
5 cooperation, if any, of the defendant. The defendant  
6 understands that he is waiving his right to appeal as set out  
7 in the written plea agreement. And the written plea agreement  
8 on file, which does include the factual basis, is the entire  
9 agreement between the defendant, his counsel and the United  
10 States.

11 THE COURT: Is that an accurate summary of the plea  
12 agreement, Mr. Prospere?

13 MR. PROSPERE: Yes, sir.

14 THE COURT: Mr. Owens, do you understand the plea  
15 agreement and approve of it?

16 MR. OWENS: Yes, sir.

17 THE COURT: Do you also understand that you have the right  
18 to plead not guilty to this charge or to continue in that plea  
19 if you've previously entered such a plea?

20 MR. OWENS: Yes, sir.

21 THE COURT: With that understanding then to the charge of  
22 misprision of a felony as alleged in the information in this  
23 case, how do you wish to plead, guilty or not guilty?

24 MR. OWENS: Guilty.

25 THE COURT: Would you read the charge, please, Ms. Burris?

1 MS. BURRIS: Yes, Your Honor.

2 The United States Attorney charges: On or about March the  
3 4th, 2004 in the Northern District of Texas the defendant Roy  
4 Owens, having knowledge of the actual commission of a felony  
5 cognizable by a court of the United States, to wit: Conspiracy  
6 to launder money instruments, contrary to Title 18 United  
7 States Code Section 1956(h), the defendant did not as soon as  
8 possible make known the same to some judge or other persons in  
9 civil or military authority under the United States and  
10 willfully concealed said felony by allowing his warehouse  
11 located at 8300 C.F. Hawn, Dallas, Texas to be used by other  
12 persons to store and hide quantities of marijuana for  
13 distribution, the sale of which generated proceeds in the form  
14 of United States currency, in violation of Title 18 United  
15 States Code Section 4.

16 THE COURT: Is that what you did, Mr. Owens?

17 MR. OWENS: Yes, sir.

18 THE COURT: Is that what you're pleading guilty to?

19 MR. OWENS: Yes, sir.

20 THE COURT: The factual basis, Ms. Burris?

21 MS. BURRIS: Specifically the United States Attorney would  
22 prove beyond a reasonable doubt that beginning at least as  
23 early as 1998 and continuing until early 2005 Jose Ipina, Jr.  
24 was acquiring large quantities of marijuana for distribution.  
25 The marijuana was imported from Mexico and transported to Waco,

1 Texas which is located in the Western District of Texas,  
2 Dallas, Texas and elsewhere. Once the marijuana was sold, bulk  
3 currency was collected from the sale of the fronted marijuana.  
4 It was packaged for shipment back to Mexico to further the  
5 ongoing illegal activity. In early 2004 members of the  
6 organization paid currency generated from the sale of marijuana  
7 to Roy Owens for the use of his warehouse. The organization  
8 brought in truckloads of marijuana ranging from 6,000 to 11,000  
9 pounds. The marijuana was stored in the warehouse to hide the  
10 illegal controlled substance distribution activity. The  
11 marijuana was offloaded in the warehouse to transport vans and  
12 the marijuana was then sold for \$325 a pound and generated  
13 millions of dollars in drug revenue. Roy Owens was aware of  
14 the activity, did willfully conceal the activity and did not as  
15 soon as possible notify persons in authority regarding the  
16 activity.

17 And that is a summary of the factual basis on file, Your  
18 Honor.

19 THE COURT: Mr. Owens, do you have any disagreement with  
20 that factual summary?

21 MR. OWENS: No, sir.

22 THE COURT: Mr. Figueroa, you are charged in -- is it  
23 Count Three, Ms. Burris?

24 MS. BURRIS: Mr. Figueroa? I've got him in his separate  
25 indictment, Your Honor. Just a one-count indictment.

1 THE COURT: Then, Mr. Figueroa, you are charged with  
2 possession of counterfeit obligations, in violation of Title 18  
3 United States Code Section 472 and aiding and abetting in that  
4 offense, in violation of Title 18 United States Code Section 2.  
5 The maximum punishment that can be assessed to a person  
6 convicted of that offense is 20 years of incarceration followed  
7 by five years of supervised release, a fine of up to a quarter  
8 of a million dollars and a \$100 special assessment under the  
9 Victims of Crime Act. Do you understand those possible maximum  
10 punishments?

11 DEFENDANT FIGUEROA: Yes, sir.

12 THE COURT: Has there been a plea agreement in this case?

13 MS. BURRIS: No, Your Honor.

14 THE COURT: Do you understand, Mr. Figueroa, that you have  
15 the right to plead not guilty to this charge or to continue in  
16 that plea if you've previously entered a plea of not guilty?

17 DEFENDANT FIGUEROA: Yes, sir.

18 THE COURT: With that understanding then to the charge of  
19 possessing counterfeit obligations and aiding and abetting in  
20 that offense as alleged in the indictment, how do you wish to  
21 plead, guilty or not guilty?

22 DEFENDANT FIGUEROA: Guilty, sir.

23 THE COURT: Would you read the charge in this case,  
24 please, Ms. Burris?

25 MS. BURRIS: Yes, Your Honor.



1       The grand jury charges: On or about July 27th, 2006 in  
2       the Western District of Texas the defendant Yariel Ticoy  
3       Figueroa, aided and abetted by another, with the intent to  
4       defraud, did possess a falsely made, forged and counterfeited  
5       obligation of the United States, that is, a Federal Reserve  
6       Note in the denomination of \$20, series of 2000, with a serial  
7       number of AG62422033A which he then knew to be falsely made,  
8       forged and counterfeited, in violation of Title 18 United  
9       States Code Section 472 and Title 18 United States Code Section  
10      2.

11       THE COURT: Is that what you did, Mr. Figueroa?

12       DEFENDANT FIGUEROA: Yes, sir.

13       THE COURT: And is that what you're pleading guilty to?

14       DEFENDANT FIGUEROA: Yes, sir.

15       THE COURT: The factual basis in this case, Ms. Burris?

16       MS. BURRIS: Yes, Your Honor.

17       The United States would prove beyond a reasonable doubt  
18       that on July 27th, 2006 officers with the Killeen Police  
19       Department responded to an incident where an individual was  
20       attempting to purchase groceries using a counterfeit \$20  
21       Federal Reserve Note from the 7-11 convenience store located at  
22       611 North 10th Street, Killeen, Bell County, Texas which is  
23       located in the Waco Division of the Western District of Texas.  
24       The clerk at the convenience store determined that the currency  
25       was counterfeit and alerted police officers who were in the

1 parking lot of the store.

2 The officers stopped the subject and investigated the  
3 clerk's claim that the currency was counterfeit. They  
4 identified this subject as Yariel Ticoy Figueroa. The officers  
5 were able to confirm that the \$20 bill that Figueroa passed was  
6 counterfeit. Mr. Figueroa consented to a search of his person  
7 and the officers discovered another additional 12 counterfeit  
8 \$20 Federal Reserve Notes.

9 At the time of the incident Figueroa gave a sworn false  
10 statement to police officers that he did not know the currency  
11 was counterfeit and had been paid in cash for contract labor  
12 work.

13 On September the 6th of 2006 Special Agent Todd Brown and  
14 Steve Baskerville with the United States Secret Service  
15 interviewed Figueroa. After being advised of his Miranda  
16 rights, Figueroa stated that he unknowingly received the  
17 counterfeit currency from a subject he identified as Marques  
18 Bell as payment for contract labor. Figueroa told the agents  
19 that Bell received the counterfeit currency from a female he  
20 knew only as Isa. Figueroa stated that Isa travels from  
21 Florida and passes counterfeit that comes in from Ecuador.

22 On September the 8th of 2006 the agents again interviewed  
23 Figueroa and again after being Mirandized he admitted that he  
24 knowingly passed and possessed counterfeit money and that he  
25 received the counterfeit 20s from codefendant Marques Bell with

1 the intention of knowingly passing the counterfeit currency.

2 On October the 11th of 2006 Special Agent Brown  
3 interviewed Marques Bell at the Bell County jail. After being  
4 Mirandized, Bell confessed to the agent that he had received an  
5 unspecified amount of counterfeit currency from Isa and then  
6 passed the money to Capone whose AKA was Yariel Ticoy Figueroa.  
7 Bell further confessed that he knew the money he received from  
8 Isa was counterfeit because she told him it was.

9 Yariel Figueroa obtained counterfeit currency from Marques  
10 Bell and with intent to defraud Figueroa passed some of that  
11 counterfeit money, including the counterfeit \$20 Federal  
12 Reserve Note alleged in the indictment.

13 The defendant Figueroa admits that he committed the  
14 offense alleged in the indictment along with the codefendant  
15 Marques Bell.

16 That's a summary of the factual basis on file, Your Honor.

17 THE COURT: Do you have any disagreement with that factual  
18 summary, Mr. Figueroa?

19 DEFENDANT FIGUEROA: No, sir.

20 THE COURT: Mr. Watson, you are charged in four counts of  
21 an indictment. Count One charges you with conspiracy to  
22 possess with intent to distribute at least five kilograms of a  
23 mixture or substance containing a detectable amount of cocaine,  
24 in violation of Title 21 United States Code Sections 841(a)(1),  
25 841(b)(1)(A)(ii) and Section 846. There's a mandatory minimum

1 sentence of ten years attached to that offense. The possible  
2 maximum sentence is life in prison. Five years of supervised  
3 release -- up to five years of supervised release would follow  
4 any period of incarceration. A fine of up to \$4 million could  
5 be assessed and there would be a \$100 mandatory special  
6 assessment under the Victims of Crime Act.

7 Count Two charges you with possession with intent to  
8 distribute at least 500 grams of a mixture or substance  
9 containing a detectable amount of cocaine, in violation of  
10 Title 21 United States Code Sections 841(a)(1) and  
11 841(b)(1)(B)(ii)(II). There's a mandatory minimum sentence of  
12 ten years -- I mean of five years for anyone convicted of that  
13 offense, a possible maximum sentence of 40 years. Four years  
14 of supervised release could be assessed. \$2 million in fines  
15 could be imposed and there would also be a \$100 special  
16 assessment.

17 Count Three charges you with possession of a firearm in  
18 furtherance of a drug trafficking crime, in violation of Title  
19 18 United States Code Sections 924(c)(1)(A)(I). The mandatory  
20 punishment for that offense is five years of incarceration  
21 which must be served consecutively to any other sentence, three  
22 years of supervised release, a quarter of a million dollars in  
23 fines and again a \$100 special assessment.

24 Count Four charges you with possession of a firearm by a  
25 convicted felon, in violation of Title 18 United States Code

1 Sections 922(g)(1) and 924(a)(2). The maximum punishment that  
2 can be assessed to a person convicted of that offense is ten  
3 years of incarceration followed by three years of supervised  
4 release, a fine of up to a quarter of a million dollars and  
5 another \$100 special assessment.

6 That means that the -- there would be a mandatory 20 year  
7 sentence for a person convicted of all four of those counts.  
8 The maximum possible sentence would be life in prison. Five  
9 years of supervised release could be assessed. Six and a half  
10 million dollars in fines could be imposed and there would be  
11 \$400 in mandatory special assessments. Do you understand those  
12 maximum possible punishments?

13 DEFENDANT WATSON: Yes, sir.

14 MS. STRIMPLE: Your Honor, if I may, as to Count One the  
15 supervised release is at least five years and as to Count Two  
16 it's at least four according to the statute.

17 THE COURT: Do you understand those possible punishments,  
18 Mr. Watson?

19 DEFENDANT WATSON: Yes, sir.

20 THE COURT: Has there been a plea agreement in this case,  
21 Ms. Strimple?

22 MS. STRIMPLE: No, Your Honor. There has not.

23 THE COURT: Do you understand, Mr. Watson, that you have  
24 the right to plead not guilty to any or all of these charges or  
25 to continue in such pleas if you've already entered guilty

1 pleas?

2 DEFENDANT WATSON: Yes, sir.

3 THE COURT: Not guilty pleas, rather. Do you understand  
4 that?

5 DEFENDANT WATSON: Yes, sir.

6 THE COURT: Then as to the charge in Count One, conspiracy  
7 to possess with intent to distribute at least five kilograms of  
8 a mixture or substance containing a detectable amount of  
9 cocaine, how do you wish to plead, guilty or not guilty?

10 DEFENDANT WATSON: Guilty, Your Honor.

11 THE COURT: And as to the charge in Count Two of  
12 possession with intent to distribute at least 500 grams of a  
13 mixture or substance containing a detectable amount of cocaine,  
14 how do you wish to plead, guilty or not guilty?

15 DEFENDANT WATSON: Guilty, Your Honor.

16 THE COURT: And as to the charge of possessing a firearm  
17 in furtherance of a drug trafficking crime as alleged in Count  
18 Three, how do you wish to plead, guilty or not guilty?

19 DEFENDANT WATSON: Guilty, Your Honor.

20 THE COURT: And as to the charge of possession of a  
21 firearm by a convicted felon as alleged in Count Four, how do  
22 you wish to plead, guilty or not guilty?

23 DEFENDANT WATSON: Guilty, Your Honor.

24 THE COURT: Would you read the charges, please,  
25 Ms. Strimple?

1 MS. STRIMPLE: Yes, Your Honor.

2 The grand jury charges, Count One: Beginning in or about  
3 February 2006, the exact date unknown, and continuing until on  
4 or about July 13th, 2006 in the Western District of Texas  
5 defendants Kenneth Eric Watson and Eric Smith III and others  
6 both known and unknown to the grand jury did unlawfully and  
7 willfully combine, conspire, confederate and agree together and  
8 with each other and others to possess with intent to distribute  
9 a controlled substance, which offense involved at least five  
10 kilograms of a mixture or substance containing a detectable  
11 amount of cocaine, a Schedule 2 narcotic drug controlled  
12 substance, contrary to Title 21 United States Code Section  
13 841(a)(1) and 841(b)(1)(A)(ii) and in violation of Title 21  
14 United States Code Section 846.

15 Count Two: On or about June 28th, 2006 in the Western  
16 District of Texas defendant Kenneth Eric Watson unlawfully,  
17 knowingly and intentionally did possess with intent to  
18 distribute a controlled substance, which offense involved at  
19 least 500 grams of a mixture or substance containing a  
20 detectable amount of cocaine, a Schedule 2 narcotic drug  
21 controlled substance, in violation of Title 21 United States  
22 Code Sections 841(a)(1) and 841(b)(1)(B)(ii)(II).

23 Count Three: On or about June 28, 2006 in the Western  
24 District of Texas defendant Kenneth Eric Watson did knowingly  
25 possess at least one of the following firearms, to wit: A

1 Bushmaster .223 pistol bearing Serial Number 0598; a Hi Point  
2 Model C-99 9-millimeter pistol bearing Serial Number P1263960  
3 in furtherance of a drug trafficking crime for which he may be  
4 prosecuted in a court of the United States, to wit: Possession  
5 with intent to distribute at least 500 grams of cocaine, a  
6 Schedule 2 narcotic drug controlled substance, contrary to  
7 Title 21 United States Code Sections 841(a)(1) and  
8 841(b)(1)(B)(ii)(II), all in violation of Title 18 United  
9 States Code Section 924(c)(1)(A)(1).

10 Count Four: On or about June 28, 2006 in the Western  
11 District of Texas defendant Kenneth Eric Watson, being a person  
12 who had been convicted of the following crime punishable by  
13 imprisonment for a term exceeding one year, to wit: On  
14 November 19, 1993 Kenneth Eric Watson was convicted of  
15 possession with intent to distribute crack cocaine, a  
16 Schedule 2 narcotic drug controlled substance, in the United  
17 States District Court for the Western District of Texas, Austin  
18 Division in Cause No. A-93-CR-132, did unlawfully and knowingly  
19 possess at least one of the following firearms, to wit: A  
20 Bushmaster .223 pistol bearing Serial Number 0598; a Hi Point  
21 Model C99 9-millimeter pistol bearing Serial Number P1263960  
22 which had moved in commerce and affecting commerce, in  
23 violation of Title 18 United States Code Sections 922(g)(1) and  
24 924(a)(2).

25 THE COURT: Are those the things you did, Mr. Watson?



1           DEFENDANT WATSON: Yes, sir.

2           THE COURT: And are those the things to which you're  
3 pleading guilty?

4           DEFENDANT WATSON: Yes, sir.

5           THE COURT: The factual basis, Ms. Strimple?

6           MS. STRIMPLE: On June 28, 2006 an officer with the Harker  
7 Heights Police Department attempted a traffic stop of a Chevy  
8 Avalanche truck with license plate 02PSS2. The driver of the  
9 vehicle refused to stop and a marked patrol unit pursued the  
10 vehicle until the chase was terminated for safety reasons.  
11 Shortly after the vehicle chase, Bell County 911 received a  
12 call of a black male in the area attempting to stop passing  
13 cars while waving a bag of marijuana. The caller reported  
14 seeing a truck that matched the description of the Avalanche  
15 nearby. A second caller reported seeing a vehicle similar to  
16 the Avalanche involved in the chase speeding down a nearby  
17 street with a blown-out tire. The second caller advised the  
18 truck went into a ditch on Old Nolanville Road and the driver  
19 was a black male who was walking down the road carrying a bag.  
20 A third caller advised she observed a black male in her yard.  
21 Officers met with the third caller who directed the officers to  
22 the church to the west of her property. The third caller  
23 advised the man had hid some bags at the base of a light pole  
24 by the church.

25           Officers went to the church which is located in

1 Nolanville, Texas which is in the Waco Division of the Western  
2 District of Texas. Officers found several duffle bags at the  
3 base of the light pole. Inside the bags officers found  
4 cocaine, marijuana, a letter addressed to Watson and the  
5 Bushmaster and Hi Point firearms listed in Counts Three and  
6 Four of the indictment. The cocaine was inside a cloth bag  
7 labeled "Red Monkey Jeans." Nearby officers located the Chevy  
8 Avalanche involved in the vehicle chase. The vehicle was  
9 registered to Watson at an address in Harker Heights, Texas.

10 A photograph of Watson was obtained and presented to the  
11 911 caller who reported the black male attempting to stop  
12 motorists with a bag of marijuana. The caller identified  
13 Watson as the man he was seeing -- he had seen. A search  
14 warrant for Watson's residence was obtained. At the home  
15 investigators located a currency counting machine, currency  
16 wrappers, kilogram size packaging containing a white residue  
17 which tested positive for the presence of cocaine, an  
18 electronic scale and cloth bags marked "Red Monkey Jeans." The  
19 home was wired with a security system which recorded images  
20 both inside and outside of the home. Investigators reviewed  
21 the recordings made by the system and observed Watson putting  
22 firearms into a bag similar to one of the bags found at the  
23 church and then entering the Chevy Avalanche previously  
24 described.

25 The narcotics found at the church were submitted to the

1 Texas Department of Public Safety laboratory. They were found  
2 to be 984.74 grams of cocaine and almost two pounds of  
3 marijuana. The firearms listed in Counts Three and Four are  
4 firearms which are manufactured outside of the State of Texas,  
5 thus they have moved in or affected commerce. These firearms  
6 were possessed in furtherance of Watson's drug trafficking  
7 activities.

8 Watson was previously convicted of the offense listed in  
9 Count Four of the indictment which is an offense with a term of  
10 imprisonment exceeding one year.

11 Further investigation revealed that a coconspirator had  
12 rented a storage unit at Long Branch Storage located in the  
13 Waco Division of the Western District of Texas. A search  
14 warrant was obtained for that location. Inside officers  
15 located paperwork belonging to Watson, digital scales, powder  
16 cocaine, cocaine residue, a Bursa Thunder .380, a Browning 12  
17 gauge shotgun and a Beretta 12 gauge shotgun. The firearms  
18 were possessed by both coconspirators in furtherance of their  
19 drug trafficking activities. The narcotics found were sent to  
20 the Texas Department of Public Safety laboratory and were found  
21 to be 938.92 grams of cocaine.

22 On July 14th of 2006 a search warrant was executed at a  
23 coconspirator's residence. The coconspirator was interviewed.  
24 He indicated he rented the storage unit, that he had put the  
25 firearms in the unit and that there was approximately a

1 kilogram of cocaine in the unit.

2 A cooperating witness was interviewed who stated Watson  
3 was the head of a large scale cocaine trafficking organization.  
4 The cooperator stated a team of five persons, which included  
5 Smith, was responsible for distributing between one and three  
6 kilos of powder cocaine a week in the Killeen area. The  
7 cooperator described other teams in the Austin and Houston  
8 area.

9 A second cooperating witness was interviewed who said that  
10 this person had received between four and nine ounces of powder  
11 cocaine on a weekly basis from Watson beginning in March of  
12 2006 until June of 2006. This cooperator described an  
13 organization involving more than five participants with Watson  
14 as the head.

15 That is a summary of the factual basis pertaining to this  
16 defendant, Your Honor.

17 THE COURT: Do you have any disagreement with that factual  
18 summary, Mr. Watson?

19 DEFENDANT WATSON: No, sir.

20 THE COURT: Ms. Gomez, you are charged in a one-count  
21 indictment with possessing with intent to distribute cocaine, a  
22 Schedule 2 controlled substance, in violation of Title 21  
23 United States Code Sections 841(a)(1) and 841(b)(1)(C) and  
24 aiding and abetting in that offense, in violation of Title 18  
25 United States Code Section 2. The maximum punishment that can

1 be assessed to a person convicted of that offense is 20 years  
2 of incarceration followed by three years of supervised release,  
3 a fine of up to a million dollars and a \$100 special assessment  
4 under the Victims of Crime Act. Do you understand those  
5 possible maximum punishments?

6 DEFENDANT GOMEZ: Yes, sir.

7 THE COURT: Has there been a plea agreement in this case,  
8 Ms. Burris?

9 MS. BURRIS: No, Your Honor.

10 THE COURT: Do you understand, Ms. Gomez, that you have  
11 the right to plead not guilty to this charge or to continue in  
12 that plea if you've previously entered a plea of not guilty?

13 DEFENDANT GOMEZ: Yes, sir.

14 THE COURT: With that understanding then to the charge of  
15 possessing with intent to distribute cocaine as alleged in  
16 count -- in the one-count indictment and aiding and abetting in  
17 that offense, how do you wish to plead, guilty or not guilty?

18 DEFENDANT GOMEZ: Guilty, sir.

19 THE COURT: Would you read the charge, please, Ms. Burris?

20 MS. BURRIS: Yes, Your Honor.

21 The grand jury charges: On or about July 18, 2007 in the  
22 Western District of Texas the defendant Ashley Lynette Gomez,  
23 aided and abetted by another, did unlawfully, knowingly and  
24 intentionally possess with the intent to distribute a mixture  
25 or substance containing a detectable amount of cocaine, a

1 Schedule 2 narcotic drug controlled substance, in violation of  
2 Title 21 United States Code Sections 841(a)(1) and 841(b)(1)(C)  
3 and Title 18 United States Code Section 2.

4 THE COURT: Is that what you did, Ms. Gomez?

5 DEFENDANT GOMEZ: Yes, sir.

6 THE COURT: And is that what you're pleading guilty to?

7 DEFENDANT GOMEZ: Yes, sir.

8 THE COURT: The factual basis in this case, Ms. Burris?

9 MS. BURRIS: Yes, Your Honor.

10 On July 18th, 2007 Sergeant Bob Turner with the Texas  
11 Department of Public Safety Narcotics Division was called to  
12 assist Trooper Wilkins on a traffic stop which had occurred in  
13 McLennan County located in the Waco Division of the Western  
14 District of Texas. Trooper Wilkins and Trooper Dale were  
15 working speed enforcement on I-35 northbound. Trooper Dale had  
16 clocked the vehicle identified as a black 1997 BMW with a Texas  
17 license plate at 84 miles per hour in a 65 mile per hour zone.

18 The trooper made contact on the passenger side of the  
19 vehicle. The driver who was later identified as Michael David  
20 White stated he did not have a reason for the speed. The  
21 trooper noticed as White handed him his Texas driver's license  
22 that his hand was trembling. White told Trooper Wilkins that  
23 he was coming home from Austin where he and his girlfriend who  
24 was later identified Ashley Lynette Gomez had spent a couple of  
25 days visiting. The trooper did not see anything in the vehicle

1 that indicated an overnight stay. Records check revealed that  
2 White had a drug arrest history which further raised the  
3 trooper's suspicions for the nervousness being exhibited.  
4 White was asked if he was traveling with anything illegal and  
5 began asking him specifically regarding weapons, stolen  
6 property and narcotics. White became increasingly nervous,  
7 swinging his arms and repeating "no, no, no" before the trooper  
8 could even finish his questions. The trooper was then asked  
9 for and received consent to search the vehicle.

10 Trooper Wilkins meanwhile made contact with the female  
11 passenger Gomez. He told her he would be searching the vehicle  
12 and asked her if there was anything illegal in it. Her  
13 response was "not that I know of." The trooper noticed there  
14 were two purses in the front floorboard between Ms. Gomez'  
15 feet. She indicated the purses were hers. The trooper asked  
16 if there was anything illegal in them and again she indicated  
17 she was not sure.

18 The trooper stuck his head inside the door and immediately  
19 noticed an odor of burnt marijuana. He also noticed pieces of  
20 raw marijuana on the passenger side floorboard. The trooper  
21 picked up the two purses from the floorboard and immediately  
22 saw what was a white powdery substance in the black purse.  
23 There was also a package of cough drops that was opened and  
24 contained two Ziploc baggies that held more white powdery  
25 substance. Also located inside that purse was an electric bill

1 with White's name and address on it.

2 After being Mirandized, White refused to make any  
3 statements in reference to the cocaine and Gomez admitted that  
4 it belonged to her.

5 The suspected cocaine was submitted to the DPS lab which  
6 confirmed the presence of cocaine. And in the training and  
7 experience of Sergeant Bob Turner, the amount was for  
8 distribution and not for personal use.

9 And that is a summary of the factual basis on file, Your  
10 Honor.

11 THE COURT: Do you have any disagreement with that factual  
12 summary, Ms. Gomez?

13 DEFENDANT GOMEZ: No, sir.

14 THE COURT: Mr. Copeland, you are charged in a one-count  
15 indictment with possessing with intent to distribute a mixture  
16 or substance containing a detectable amount of methamphetamine  
17 within 1,000 feet of a public school, which is a violation of  
18 Title 21 United States Code Sections 841(a)(1), 841(b)(1)(C)  
19 and 860(a). There's a mandatory minimum sentence of at least  
20 one year of incarceration, a possible maximum sentence of 40  
21 years of incarceration, six years of supervised release to  
22 follow any period of incarceration, a fine of up to \$2 million  
23 and a \$100 special assessment under the Victims of Crime Act.  
24 Do you understand those possible maximum punishments?

25 DEFENDANT COPELAND: Yes, sir.



1 THE COURT: Has there been a plea agreement in this case,  
2 Ms. Burris?

3 MS. BURRIS: No, Your Honor.

4 THE COURT: Do you understand, Mr. Copeland, that you have  
5 the right to plead not guilty to this charge or to continue in  
6 that plea if you've previously entered a plea of not guilty?

7 DEFENDANT COPELAND: No, sir. Yes, sir.

8 THE COURT: Do you want me to ask you again? You have the  
9 right to plead not guilty, Mr. Copeland, or if you've  
10 previously entered a plea of not guilty at an arraignment by a  
11 letter or in writing or otherwise, you have the right to  
12 continue pleading not guilty. Do you understand?

13 DEFENDANT COPELAND: Yes, sir.

14 THE COURT: With that understanding then to the charge of  
15 possessing with intent to distribute a mixture or substance  
16 containing a detectable amount of methamphetamine within 1,000  
17 feet of a public school as alleged in the indictment, how do  
18 you wish to plead, guilty or not guilty?

19 DEFENDANT COPELAND: Guilty.

20 THE COURT: Would you read the charge in this case,  
21 please, Ms. Burris?

22 MS. BURRIS: Yes, Your Honor.

23 The grand jury charges: On or about October 14th, 2007 in  
24 the Western District of Texas the defendant Benjamin Lee  
25 Copeland unlawfully, knowingly and intentionally did possess

1 with the intent to distribute a controlled substance, which  
2 offense involved a mixture or substance containing a detectable  
3 amount of methamphetamine, a Schedule 2 controlled substance,  
4 the said possession having occurred within 1,000 feet of the  
5 real property comprising a public school, to wit: Travis  
6 Middle School located at 1500 South 19th Street, Temple, Bell  
7 County, Texas, in violation of Title 21 United States Code  
8 Sections 841(a)(1), 841(b)(1)(C) and 860(a).

9 THE COURT: Is that what you did, Mr. Copeland?

10 DEFENDANT COPELAND: Yes, sir.

11 THE COURT: What was your answer? Yes?

12 DEFENDANT COPELAND: Yes.

13 THE COURT: And is that what you're pleading guilty to?

14 DEFENDANT COPELAND: Yes, sir.

15 THE COURT: The factual basis, Ms. Burris?

16 MS. BURRIS: Yes, Your Honor.

17 On October the 14th, 2007 a Temple Police Department  
18 officer was dispatched to Scott & White Hospital, which is  
19 located within the Waco Division of the Western District of  
20 Texas, in regards to an assault with injury call. Upon arrival  
21 the officer met with the female who stated she had been beaten  
22 up by her fiance Benjamin Lee Copeland. At the time the female  
23 was around 21 weeks pregnant. The officer observed multiple  
24 injuries on her which included bite injuries on her right arm,  
25 right shoulder and face. She also had large scrapes and

1 contusions on her back and a lump on her forehead. The victim  
2 also had injuries which she stated were from past beatings.  
3 One of these was a bluish yellow contusion on her left collar  
4 bone. A doctor who was attending the victim stated that in his  
5 medical opinion the victim had present injuries which were  
6 about two weeks old. While the officer was speaking with her,  
7 a Scott & White employee informed the officer that Copeland  
8 called asking about her and was probably on his way up to the  
9 hospital to see how she was doing. The officer finished  
10 speaking with her and went out to the parking lot to see if  
11 Copeland would show up. He saw a green Honda matching the  
12 description that had been given by the victim pull into the  
13 emergency room parking lot. The officer followed the vehicle  
14 into the southwest parking lot at Scott & White and observed a  
15 white male matching the description of Copeland given by the  
16 victim getting out of the vehicle. The officer asked the  
17 individual if he was Benjamin and he stated yes. The officer  
18 placed him under arrest for assault with bodily injury, family  
19 violence and put him in his car. During a search of the  
20 vehicle incident to arrest the officer found a plastic bag that  
21 contained a green leafy substance in the center console, which  
22 through the officer's training and experience he believed to be  
23 marijuana. He also located a plastic baggie containing a  
24 crystal like substance and several small plastic baggies  
25 containing more crystal like substance in the center console

1 which through the officer's training and experience he believed  
2 to be methamphetamine. The officer located a glass tube with a  
3 glass ball at one end which was burnt. The officer also  
4 recognized this to be drug paraphernalia. The crystal  
5 substance later tested positive for the presence of  
6 methamphetamine.

7 Scott & White Hospital is located within 1,000 feet of a  
8 public school which is Travis Middle School which is located at  
9 1500 South 19th Street in Temple, Bell County, Texas.

10 In the training and experience of Agent David Hess with  
11 the Temple Police Department Special Investigations Unit, the  
12 amount of methamphetamine possessed by this defendant was an  
13 amount for distribution and not for personal use.

14 And that is a summary of the factual basis on file, Your  
15 Honor.

16 THE COURT: Do you have any disagreement with that factual  
17 summary, Mr. Copeland?

18 DEFENDANT COPELAND: No, sir.

19 THE COURT: Mr. Dupree, you are charged in a one-count  
20 indictment with possessing with intent to distribute five grams  
21 of a substance containing crack cocaine, a Schedule 2  
22 controlled substance, in violation of Title 21 United States  
23 Code Sections 841(a)(1) and 841(b)(1)(B)(iii). The maximum  
24 punishment that can be assessed to a person convicted of that  
25 offense is at least five years of incarceration, a possible

1 total period of incarceration of 40 years, a fine of up to \$2  
2 million, four years of supervised release and a \$100 special  
3 assessment under the Victims of Crime Act. Do you understand  
4 those possible maximum punishments?

5 DEFENDANT DUPREE: Yes, sir.

6 THE COURT: Has there been a plea agreement in this case,  
7 Ms. Strimple?

8 MS. STRIMPLE: No, Your Honor.

9 THE COURT: Do you understand, Mr. Dupree, that you have  
10 the right to plead not guilty to this charge or to continue in  
11 that plea if you've previously entered a plea of not guilty?

12 DEFENDANT DUPREE: Yes, sir.

13 THE COURT: With that understanding then to the charge of  
14 possessing with intent to distribute five grams or more of a  
15 substance containing crack cocaine as alleged in the  
16 indictment, how do you wish to plead, guilty or not guilty?

17 DEFENDANT DUPREE: Guilty.

18 THE COURT: Would you read the charge, please,  
19 Ms. Strimple?

20 MS. STRIMPLE: The grand jury charges: On or about  
21 October 23rd, 2007 in the Western District of Texas defendant  
22 Clarence Albert Dupree did unlawfully, knowingly and  
23 intentionally possess with intent to distribute a controlled  
24 substance, which offense involved at least five grams of a  
25 mixture or substance containing cocaine base, also known as

1 crack cocaine, a Schedule 2 narcotic drug controlled substance,  
2 in violation of Title 21 United States Code Sections 841(a)(1)  
3 and 841(b)(1)(B)(iii).

4 THE COURT: Is that what you did, Mr. Dupree?

5 DEFENDANT DUPREE: Yes, sir.

6 THE COURT: And is that what you're pleading guilty to?

7 DEFENDANT DUPREE: Yes, sir.

8 THE COURT: The factual basis in this case, Ms. Strimple?

9 MS. STRIMPLE: On October 23rd, 2007 members of the  
10 Killeen Police Department executed a search warrant at a  
11 residence on Blair Street in Killeen, Texas which is located in  
12 the Western District of Texas. The search warrant was based on  
13 information from seven confidential informants which indicated  
14 Dupree and others were acting together to distribute crack  
15 cocaine from two residences located on Blair Street and West  
16 Avenue E in Killeen, Texas. Dupree was located inside the  
17 Blair Street residence. Inside a bedroom used by Dupree  
18 investigators located cookies of crack cocaine and crack  
19 cocaine broken into individual pieces. The weight of the crack  
20 cocaine was approximately 51.8 grams. Smaller amounts of  
21 powder cocaine, ecstasy and a box for digital scales were  
22 located. Some of the narcotics were packaged for resale. A  
23 cooperating witness was interviewed who stated the crack  
24 cocaine belonged to Dupree.

25 A second search warrant was executed at a residence on

1 West Avenue E in Killeen, Texas. This residence is leased in  
2 Dupree's name. Prior to the execution of the search warrant  
3 investigators conducted surveillance. Investigators observed  
4 Dupree arrive at and leave the location. Investigators also  
5 observed activity consistent with drug trafficking. An  
6 occupant of the vehicle leaving the West Avenue E address was  
7 stopped and questioned. The occupant stated he had just  
8 purchased crack cocaine from an unknown individual at the West  
9 Avenue E residence. The occupant identified Dupree as a person  
10 who had sold him crack cocaine several times in the past at  
11 that location. Digital scales and cocaine residue were located  
12 in the kitchen. The weight of the crack cocaine, information  
13 from informants and witnesses and the activity and items  
14 located at the addresses indicate the crack cocaine was  
15 possessed for distribution purposes, not for personal use.

16 That is the factual basis, Your Honor.

17 THE COURT: Do you have any disagreement with that factual  
18 summary, Mr. Dupree?

19 DEFENDANT DUPREE: No, sir.

20 THE COURT: Mr. Martinez, you are charged in a one-count  
21 indictment with possessing with intent to distribute a mixture  
22 or substance containing a detectable amount of methamphetamine,  
23 a violation of Title 21 United States Code Sections 841(a)(1)  
24 and 841(b)(1)(C). The maximum punishment that can be assessed  
25 to a person convicted of that offense is 20 years of

1 incarceration followed by three years of supervised release, a  
2 fine of up to a million dollars and a \$100 special assessment.  
3 Do you understand those possible maximum punishments?

4 DEFENDANT MARTINEZ: Yes, sir.

5 THE COURT: Has there been a plea agreement in this case,  
6 Ms. Burris?

7 MS. BURRIS: No, Your Honor.

8 THE COURT: Do you understand, Mr. Martinez, that you have  
9 the right to plead not guilty to this charge or to continue in  
10 that plea if you've previously entered a plea of not guilty?

11 DEFENDANT MARTINEZ: Yes, Your Honor.

12 THE COURT: With that understanding then to the charge of  
13 possessing with intent to distribute a mixture or substance  
14 containing a detectable amount of methamphetamine as alleged in  
15 the indictment, how do you wish to plead, guilty or not guilty?

16 DEFENDANT MARTINEZ: Guilty, sir.

17 THE COURT: Would you read the charge, please, Ms. Burris?

18 MS. BURRIS: Yes, Your Honor.

19 The grand jury charges: On or about October 10th, 2007 in  
20 the Western District of Texas the defendant Michael Anthony  
21 Martinez unlawfully, knowingly and intentionally did possess  
22 with the intent to distribute a controlled substance, which  
23 offense involved a mixture or substance containing a detectable  
24 amount of methamphetamine, a Schedule 2 controlled substance,  
25 in violation of Title 21 United States Code Sections 841(a)(1)



1 and 841(b)(1)(C).

2 THE COURT: Is that what you did, Mr. Martinez?

3 DEFENDANT MARTINEZ: Yes, sir.

4 THE COURT: Is that what you're pleading guilty to?

5 DEFENDANT MARTINEZ: Yes, sir.

6 THE COURT: The factual basis in this case, Ms. Burris?

7 MS. BURRIS: On Wednesday, October 10th, 2007 officers  
8 with the McLennan County Sheriff's Office and the DPS narcotics  
9 unit executed a state narcotics search warrant at a residence  
10 located in Waco, McLennan County which is located in the  
11 Western District of Texas. The residence was under the control  
12 of Roddy Scott. At the time the search warrant was executed, a  
13 female was also in the residence. The officers located a  
14 quantity of methamphetamine, scales, pills and other items used  
15 in the trafficking of controlled substances. While speaking  
16 with the residents, they agreed to place a phone call to their  
17 supplier in an attempt to cooperate with law enforcement.

18 Ms. Hicks spoke with the individual later identified as  
19 Michael Anthony Martinez and requested an ounce of  
20 methamphetamine. He indicated he didn't have that much on him  
21 at the time but he had a quarter ounce and would bring it over  
22 to the residence. Approximately 15 minutes later Martinez  
23 drove up to the residence, came up on the porch and knocked on  
24 the door. Law enforcement officers who were inside the  
25 residence opened the door. When Martinez saw them, he ran from

1 the residence. Officers caught up with him and apprehended him  
2 approximately a half a block later. When they did catch him,  
3 Martinez struggled with the officers for a time before he was  
4 subdued. He advised Investigator Mike Gates with the Sheriff's  
5 Office that the stuff was in his pocket. The officers searched  
6 him and found methamphetamine in his pockets which had been  
7 divided into two packages. The substance was later tested and  
8 did test positive for the presence of methamphetamine.

9 Based on the training and experience of Investigator Roger  
10 Kucera, the amount of methamphetamine found was an amount for  
11 distribution and not for personal use.

12 That's a summary of the factual basis, Your Honor.

13 THE COURT: Do you have any disagreement with that factual  
14 summary, Mr. Martinez?

15 DEFENDANT MARTINEZ: No, sir.

16 THE COURT: I mention to each of you that a part of the  
17 punishment that could be imposed would include a period of  
18 supervised release. That means that when a person is  
19 incarcerated as a result of a felony in federal court, once  
20 they are released from incarceration, they're required to live  
21 under the supervision of the probation department for a period  
22 of time. That's very much like being on probation in that you  
23 have to live up to certain terms and conditions, such as not  
24 violating the law or using controlled substances. You have to  
25 maintain employment and report regularly. It's also like being

1 on probation in that if you do violate a term or condition of  
2 your supervised release, it can be revoked and you can be  
3 sentenced to a second period of incarceration that could be as  
4 long as the entire period of supervised release, and you would  
5 get no credit for whatever period of time you had already  
6 served on supervised release.

7 Do you understand that, Mr. Owens?

8 MR. OWENS: Yes, sir.

9 THE COURT: Do you, Mr. Figueroa?

10 DEFENDANT FIGUEROA: Yes, sir.

11 THE COURT: Mr. Watson, do you?

12 DEFENDANT WATSON: Yes, sir.

13 THE COURT: Ms. Gomez, do you?

14 DEFENDANT GOMEZ: Yes, sir.

15 THE COURT: Mr. Copeland, do you?

16 DEFENDANT COPELAND: Yes, sir.

17 THE COURT: Mr. Dupree, do you?

18 DEFENDANT DUPREE: Yes, sir.

19 THE COURT: Mr. Martinez, do you?

20 DEFENDANT MARTINEZ: Yes, sir.

21 THE COURT: Mr. Owens, I need to advise you that as a part  
22 of your plea agreement you've waived your right to an appeal.  
23 If your plea agreement is accepted by the Court, that becomes a  
24 permanent condition and you can't later change your mind and  
25 decide that you would like to appeal your sentence or file some

1 other type of application for post conviction relief. Do you  
2 understand that?

3 MR. OWENS: Yes, sir.

4 THE COURT: I also need to advise you that the offense to  
5 which you're pleading guilty is classified as a felony under  
6 federal law. That means that you have the right to have the  
7 matter presented to a federal grand jury for the return of an  
8 indictment before proceeding to enter a guilty plea or go to  
9 trial. That is a right that you may waive, and if you do, then  
10 you can proceed on the information that's been filed. I have  
11 here before me a written waiver of indictment signed by you and  
12 your attorney. So I assume that's what you wish to do; is that  
13 correct?

14 MR. OWENS: Yes, sir.

15 THE COURT: Before accepting your guilty pleas, then,  
16 there are a number of rights I need to advise you of and a  
17 number of questions I need to ask you. If you don't understand  
18 any of these things, feel free to consult with your attorney at  
19 any time.

20 First of all, has each of you had an ample opportunity to  
21 discuss your case with your attorney and are you satisfied with  
22 his representation of you?

23 Mr. Owens?

24 MR. OWENS: Yes, sir.

25 THE COURT: Mr. Figueroa?

1 DEFENDANT FIGUEROA: Yes, sir.

2 THE COURT: Mr. Watson?

3 DEFENDANT WATSON: Yes, sir.

4 THE COURT: Ms. Gomez?

5 DEFENDANT GOMEZ: Yes, sir.

6 THE COURT: Mr. Copeland?

7 DEFENDANT COPELAND: Yes, sir.

8 THE COURT: Mr. Dupree?

9 DEFENDANT DUPREE: Yes, sir.

10 THE COURT: Mr. Martinez?

11 DEFENDANT MARTINEZ: Yes, sir.

12 THE COURT: Do each of you understand that under the  
13 constitution and the laws of the United States you're entitled  
14 to a trial by jury on the charges you face?

15 Do you understand that, Mr. Owens?

16 MR. OWENS: Yes, sir.

17 THE COURT: Do you, Mr. Figueroa?

18 DEFENDANT FIGUEROA: Yes, sir.

19 THE COURT: Mr. Watson, do you?

20 DEFENDANT WATSON: Yes, sir.

21 THE COURT: Ms. Gomez, do you?

22 DEFENDANT GOMEZ: Yes, sir.

23 THE COURT: Mr. Copeland, do you?

24 DEFENDANT COPELAND: Yes, sir.

25 THE COURT: Mr. Dupree, do you?

1 DEFENDANT DUPREE: Yes, sir.

2 THE COURT: Mr. Martinez, do you?

3 DEFENDANT MARTINEZ: Yes, sir.

4 THE COURT: At a trial and at every stage of the  
5 proceedings against you, you have the right to be represented  
6 by an attorney. If you can't afford to pay an attorney to  
7 represent you through a trial, then one would be appointed to  
8 represent you at no cost to you.

9 During a trial, you would be presumed to be innocent. The  
10 government would have the obligation of proving your guilt  
11 beyond a reasonable doubt, using competent evidence, before you  
12 could be found guilty, and you would never have to prove that  
13 you're innocent.

14 Also during a trial the witnesses for the government would  
15 have to come into court and testify in your presence. Your  
16 attorney would have the right to cross-examine the government's  
17 witnesses, to object to their evidence and to offer evidence on  
18 your behalf. You would have the right to testify yourself if  
19 you wished, but you couldn't be forced to. If you elected not  
20 to testify, the fact that you did not couldn't be used against  
21 you as any suggestion or inference of your guilt.

22 Do you understand those rights that you have, Mr. Owens?

23 MR. OWENS: Yes, sir.

24 THE COURT: Do you, Mr. Figueroa?

25 DEFENDANT FIGUEROA: Yes, sir.

1 THE COURT: Mr. Watson?

2 DEFENDANT WATSON: Yes, sir.

3 THE COURT: Ms. Gomez?

4 DEFENDANT GOMEZ: Yes, sir.

5 THE COURT: Mr. Copeland?

6 DEFENDANT COPELAND: Yes, sir.

7 THE COURT: Mr. Dupree?

8 DEFENDANT DUPREE: Yes, sir.

9 THE COURT: Mr. Martinez?

10 DEFENDANT MARTINEZ: Yes, sir.

11 THE COURT: If you continue in your guilty plea and I  
12 accept your guilty plea, then you will waive your right to a  
13 trial and all those other rights I just discussed. There will  
14 be no further trial, and I will enter a judgment of guilty and  
15 sentence you on the basis of your guilty plea, after  
16 considering a presentence report.

17 Do you understand that, Mr. Owens?

18 MR. OWENS: Yes, sir.

19 THE COURT: Do you, Mr. Figueroa?

20 DEFENDANT FIGUEROA: Yes, sir.

21 THE COURT: Mr. Watson, do you?

22 DEFENDANT WATSON: Yes, sir.

23 THE COURT: Ms. Gomez, do you?

24 DEFENDANT GOMEZ: Yes, sir.

25 THE COURT: Mr. Copeland, do you?

1 DEFENDANT COPELAND: Yes, sir.

2 THE COURT: Mr. Dupree, do you?

3 DEFENDANT DUPREE: Yes, sir.

4 THE COURT: Mr. Martinez, do you?

5 DEFENDANT MARTINEZ: Yes, sir.

6 THE COURT: Having discussed your rights with you, do you  
7 still want to plead guilty?

8 Mr. Owens?

9 MR. OWENS: Yes, sir.

10 THE COURT: Mr. Figueroa?

11 DEFENDANT FIGUEROA: Yes, sir.

12 THE COURT: Mr. Watson?

13 DEFENDANT WATSON: Yes, sir.

14 THE COURT: Ms. Gomez?

15 DEFENDANT GOMEZ: Yes, sir.

16 THE COURT: Mr. Copeland?

17 DEFENDANT COPELAND: Yes, sir.

18 THE COURT: Mr. Dupree?

19 DEFENDANT DUPREE: Yes, sir.

20 THE COURT: Mr. Martinez?

21 DEFENDANT MARTINEZ: Yes, sir.

22 THE COURT: Are you pleading guilty because you are guilty  
23 and for no other reason?

24 Mr. Owens?

25 MR. OWENS: Yes, sir.



1 THE COURT: Mr. Figueroa?

2 DEFENDANT FIGUEROA: Yes, sir.

3 THE COURT: Mr. Watson?

4 DEFENDANT WATSON: Yes, sir.

5 THE COURT: Ms. Gomez?

6 DEFENDANT GOMEZ: Yes, sir.

7 THE COURT: Mr. Copeland?

8 DEFENDANT COPELAND: Yes, sir.

9 THE COURT: Mr. Dupree?

10 DEFENDANT DUPREE: Yes, sir.

11 THE COURT: Mr. Martinez?

12 DEFENDANT MARTINEZ: Yes, sir.

13 THE COURT: Are you pleading guilty freely and

14 voluntarily?

15 Mr. Owens?

16 MR. OWENS: Yes, sir.

17 THE COURT: Mr. Figueroa?

18 DEFENDANT FIGUEROA: Yes, sir.

19 THE COURT: Mr. Watson?

20 DEFENDANT WATSON: Yes, sir.

21 THE COURT: Ms. Gomez?

22 DEFENDANT GOMEZ: Yes, sir.

23 THE COURT: Mr. Copeland?

24 DEFENDANT COPELAND: Yes, sir.

25 THE COURT: Mr. Dupree?

1 DEFENDANT DUPREE: Yes, sir.

2 THE COURT: Mr. Martinez?

3 DEFENDANT MARTINEZ: Yes, sir.

4 THE COURT: Has anyone threatened you, coerced you or  
5 forced you in any way into pleading guilty?

6 Mr. Owens?

7 MR. OWENS: No, sir.

8 THE COURT: Mr. Figueroa?

9 DEFENDANT FIGUEROA: No, sir.

10 THE COURT: Mr. Watson?

11 DEFENDANT WATSON: No, sir.

12 THE COURT: Ms. Gomez?

13 DEFENDANT GOMEZ: No, sir.

14 THE COURT: Mr. Copeland?

15 DEFENDANT COPELAND: No, sir.

16 THE COURT: Mr. Dupree?

17 DEFENDANT DUPREE: No, sir.

18 THE COURT: Mr. Martinez?

19 DEFENDANT MARTINEZ: No, sir.

20 THE COURT: Punishment in these cases will be determined  
21 in this manner: Your case will be referred to the probation  
22 office to prepare a presentence report. The most important  
23 part of that report is the officer's recommendation as to the  
24 appropriate guideline range for sentencing. That's based on a  
25 formula that takes into account the offense or offenses to

1 which you're pleading guilty. It also takes into account any  
2 criminal history that you might have. The results of the  
3 formula are then expressed in a range of months. As an example  
4 of a range of months that I'm certainly not suggesting would  
5 apply in any one of these cases, a range of months in a  
6 particular case might be 24 to 30 months. That would mean that  
7 I would be advised that the appropriate sentence in that case  
8 was 24 months of incarceration or 30 months of incarceration or  
9 any number of months between 24 and 30, but I would not be  
10 bound by that. I would have the right to sentence that person  
11 to less than 24 months if I thought that was appropriate or to  
12 more than 30 months if I thought that was appropriate. If I  
13 elected to sentence that person to more than 30 months,  
14 however, he or she would have the right to appeal the sentence  
15 based on the fact that my reasons for doing that were not  
16 reasonable.

17 Do you understand how that method of determining  
18 punishment works, Mr. Owens?

19 MR. OWENS: Yes, sir.

20 THE COURT: Do you, Mr. Figueroa?

21 DEFENDANT FIGUEROA: Yes, sir.

22 THE COURT: Mr. Watson, do you?

23 DEFENDANT WATSON: Yes, sir.

24 THE COURT: Ms. Gomez, do you?

25 DEFENDANT GOMEZ: Yes, sir.

1 THE COURT: Mr. Copeland, do you?

2 DEFENDANT COPELAND: Yes, sir.

3 THE COURT: Mr. Dupree, do you?

4 DEFENDANT DUPREE: Yes, sir.

5 THE COURT: Mr. Martinez, do you?

6 DEFENDANT MARTINEZ: Yes, sir.

7 THE COURT: Mr. Watson, Mr. Copeland and Mr. Dupree, you  
8 are each facing a mandatory minimum sentence of various  
9 amounts. Do you understand that regardless of what the  
10 sentencing guidelines might suggest to the Court, I would be  
11 mandated to sentence you to at least that mandatory minimum  
12 sentence except in rather any -- very exceptional  
13 circumstances?

14 Do you understand that, Mr. Watson?

15 DEFENDANT WATSON: Yes, sir.

16 THE COURT: Do you understand that, Mr. Copeland?

17 DEFENDANT COPELAND: Yes, sir.

18 THE COURT: Has each of you discussed with your attorney  
19 how the sentencing guidelines might affect your case?

20 Have you done that, Mr. Owens?

21 MR. OWENS: Yes, sir.

22 THE COURT: Have you, Mr. Figueroa?

23 DEFENDANT FIGUEROA: Yes, sir.

24 THE COURT: Mr. Watson, have you?

25 DEFENDANT WATSON: Yes, sir.

1 THE COURT: Ms. Gomez, have you?

2 DEFENDANT GOMEZ: Yes, sir.

3 THE COURT: Mr. Copeland, have you?

4 DEFENDANT COPELAND: Yes, sir.

5 THE COURT: Mr. Dupree, have you?

6 DEFENDANT DUPREE: Yes, sir.

7 THE COURT: Mr. Martinez, have you?

8 DEFENDANT MARTINEZ: Yes, sir.

9 THE COURT: Other than those discussions you've had with  
10 your attorney about the probable effect of the sentencing  
11 guidelines, has anyone made any prediction, prophecy or promise  
12 to you as to what your sentence will actually be?

13 Mr. Owens?

14 MR. OWENS: No, sir.

15 THE COURT: Mr. Figueroa?

16 DEFENDANT FIGUEROA: No, sir.

17 THE COURT: Mr. Watson?

18 DEFENDANT WATSON: No, sir.

19 THE COURT: Ms. Gomez?

20 DEFENDANT GOMEZ: No, sir.

21 THE COURT: Mr. Copeland?

22 DEFENDANT COPELAND: No, sir.

23 THE COURT: Mr. Dupree?

24 DEFENDANT DUPREE: No, sir.

25 THE COURT: Mr. Martinez?

1           DEFENDANT MARTINEZ: No, sir.

2           THE COURT: And except for the promises the government has  
3 made in its plea agreement with you, Mr. Owens, has anyone made  
4 any promise to any one of you that has caused you to plead  
5 guilty?

6           Mr. Owens?

7           MR. OWENS: No, sir.

8           THE COURT: Mr. Figueroa?

9           DEFENDANT FIGUEROA: Excuse me, sir. Can you repeat that  
10 again?

11          THE COURT: Sure. Has anyone made any promise to you that  
12 has caused you to plead guilty, Mr. Figueroa?

13          DEFENDANT FIGUEROA: No, sir.

14          THE COURT: How about you, Mr. Watson?

15          DEFENDANT WATSON: No, sir.

16          THE COURT: Ms. Gomez?

17          DEFENDANT GOMEZ: No, sir.

18          THE COURT: Mr. Copeland?

19          DEFENDANT COPELAND: No, sir.

20          THE COURT: Mr. Dupree?

21          DEFENDANT DUPREE: No, sir.

22          THE COURT: Mr. Martinez?

23          DEFENDANT MARTINEZ: No, sir.

24          THE COURT: Would any one of you like to withdraw your  
25 guilty plea at this point?

1 Mr. Owens?

2 MR. OWENS: No, sir.

3 THE COURT: Mr. Figueroa?

4 DEFENDANT FIGUEROA: No, sir.

5 THE COURT: Mr. Watson?

6 DEFENDANT WATSON: No, sir.

7 THE COURT: Ms. Gomez?

8 DEFENDANT GOMEZ: No, sir.

9 THE COURT: Mr. Copeland?

10 DEFENDANT COPELAND: No, sir.

11 THE COURT: Mr. Dupree?

12 DEFENDANT DUPREE: No, sir.

13 THE COURT: Mr. Martinez?

14 DEFENDANT MARTINEZ: No, sir.

15 THE COURT: Then the Court finds as to each of you that  
16 your plea is freely and voluntarily made, that you fully  
17 understand the charge or charges and the penalties, that you  
18 understand your constitutional and statutory rights and desire  
19 to waive them, that you are competent to stand trial, and that  
20 there is a factual basis for each plea.

21 Based on these findings, I accept your guilty pleas and  
22 find you guilty. These cases will now be referred to the  
23 probation office for the preparation of presentence reports.  
24 Copies of those reports will be available to each of you and to  
25 your attorneys and to the government for review prior to

1 sentencing. If you have objections to the presentence report,  
2 they should be filed with the probation office not more than  
3 ten days after you receive your copy.

4 Sentencing in these cases will be set for Wednesday, March  
5 the 5th at 1:00 p.m.

6 Does the government have any objection to Mr. Owens and  
7 Ms. Gomez remaining free on current conditions of release?

8 MS. BURRIS: No, Your Honor.

9 THE COURT: It will be so ordered.

10 Anything further in any of these cases, Counsel?

11 Then you may be excused.

12 (Hearing adjourned at 2:03.)  
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1 UNITED STATES DISTRICT COURT )

2 WESTERN DISTRICT OF TEXAS )

3  
4 I, Kristie M. Davis, Official Court Reporter for the  
5 United States District Court, Western District of Texas, do  
6 certify that the foregoing is a correct transcript from the  
7 record of proceedings in the above-entitled matter.

8 I certify that the transcript fees and format comply with  
9 those prescribed by the Court and Judicial Conference of the  
10 United States.

11 Certified to by me this 25th day of August 2008.

12 /s/ Kristie M. Davis

13 KRISTIE M. DAVIS

14 Official Court Reporter

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